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May 20, 1998

Honorable Charles P. Sifton
Chief Judge
and Chairman of the
Committee on Grievances
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

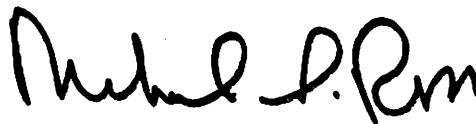
Re: In the Matter of Gregory Elefterakis,
an Attorney And Counselor-at-Law;
MC-98-41 (CPS)

Dear Judge Sifton:

I represent Gregory Elefterakis, an attorney and counselor-at-law, who was recently suspended from the practice of law by the Appellate Division, Second Department, for a period of three years. Mr. Elefterakis provided me with Your Honor's order to show cause directing him to demonstrate why he should not be disciplined by this Court pursuant to Local Rules 1.5(c) and (d). (See copy attached)

On behalf of Mr. Elefterakis, I wish to advise you that Mr. Elefterakis has no objection to an order suspending him from the practice of law before the United States District Court for the Eastern District of New York, for a period to run concurrent with his suspension from practice by the Appellate Division, Second Department.

Respectfully submitted,



Michael S. Ross

LAROSSA, MITCHELL & ROSS

Hon. Charles P. Sifton
May 20, 1998
Page 2

Encl.

cc: Clerk of the Court

Gregory Elefterakis

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
In the Matter of Gregory Elefterakis,
an Attorney and Counselor-at-Law.

MC-98-41 (CPS)

ORDER

Respondent.
-----X

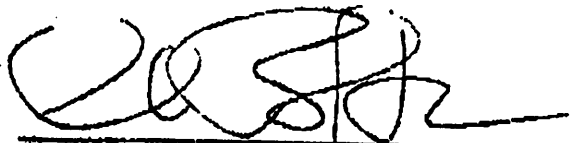
It having come to the attention of the Court that respondent has been disciplined by the Appellate Division of the Supreme Court of the State of New York, the respondent is directed pursuant to Rule 1.5(b)(2) of the General Rules of the Court to show cause before the undersigned in Courtroom No. 2, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, at 4:30 p.m., on June 10, 1998 why respondent should not be disciplined by this Court in accordance with the provisions of Rules 1.5(c) and 1.5(d) of such Rules; and it is further

ORDERED that the Clerk of the Court shall serve a copy of the within order upon respondent by first class mail, and it is further

ORDERED that respondent shall serve and file responsive papers, if any, no later than 10 days prior to the return date of the order.

SO ORDERED.

Dated : Brooklyn, New York
April 22, 1998



Charles P. Sifton, Chief Judge
and Chairman of the Committee on
Grievances, E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUN 10 1998

BEFORE: SIFTON, C.J.

DATE: _____

TIME: 4:30

DOCKET #: MC-98-0041

TITLE: In the Matter of Gregory Elefterakis, an Attorney and Counselor at Law.

DEPUTY CLERK: Stanley Kessler

COURT REPORTER/ESR: Maria Penae

APPEARANCES:

For Respondent: _____

ATTORNEY DISCIPLINARY PROCEEDING

☒ Case called for order to show cause.

☒ No appearances.

☐ No appearance for the respondent.

☐ Respondent present pro se. ☐ Respondent present with counsel.

☐ Counsel for respondent present.

☐ Status conference held. Status conf. set for/cont'd to _____ at 4:30 p.m.

☒ For the reasons stated on the record, the respondent is suspended from the practice of law before this court for a period of 3 years, commencing on 1-29-98, until such time as he is reinstated to practice law in the State of New York, and until further order of the court.

☐ For the reasons stated on the record, the respondent is disbarred from the practice of law before this court and his name is ordered stricken from the roll of attorneys of this court.

☐ The matter is referred to the Committee on Grievances.

☐ Decision is reserved on the order to show cause.

☐ The matter is continued to _____

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

In the Matter of Gregory Elefterakis,
an Attorney and Counselor-at-Law.

MC-98-41 (CPS)

ORDER

Respondent.

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Dated : Brooklyn, New York
April 22, 1998



Charles P. Sifton, Chief Judge
and Chairman of the Committee on
Grievances, E.D.N.Y.



GREGORY ELEFTERAKIS

Attorney At Law

2498 Gerritsen Avenue
Brooklyn, New York 11229

Gregory Elefterakis
James Giannakouros

Tel: (718) 646-1955
Fax: (718) 769-8264

MISC 98 041

FEB 19 1998

JANUARY 12, 1998

CERTIFIED MAIL, R.R.R.

Z 203 992 503

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA
BROOKLYN, NEW YORK 11201
ATTN: CHIEF CLERK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK
CLERK
FEB 19 1998 3:54
SIFTON, CH. J.

RE: GREGORY ELEFTERAKIS, ESQUIRE

DEAR SIRs:

Please be advised that as of January 29, 1998, I have been suspended from the practice of law for three years.

Accordingly, it is directed that Gregory Elefterakis, Attorney At Law, be removed from any listings, manuals, referrals and/or books, until further notice.

Your anticipated cooperation in this matter is greatly appreciated.

Very truly yours,

Gregory Elefterakis

GE:lag

AMERICAN BAR ASSOCIATION**NATIONAL LAWYER REGULATORY
DATA BANK REPORT FORM**

*Reporting Agent: Please complete, sign, attach
court or disciplinary board order and return to:*

(For Office Use Only)

Ms. Maria D. Pedraza
Data Bank Administrative Assistant
Center for Professional Responsibility
American Bar Association
541 No Fairbanks Ct M-S 14.3
Chicago IL 60611-3314

MISC. 98 041**SIFTON, CH. J.**

NAME	<u>ELEFTERAKIS</u>	<u>GREGORY</u>	
	(Last, Suffix)	(First)	(Middle)
ADDRESS	<u>2498 Gerritsen Avenue</u>		
(Office)	(Number & Street)		
	<u>Brooklyn, New York</u>	<u>11229</u>	
	(City)	(State)	(Zip)
FORMER ADDRESS			
	(Number & Street)		
	(City)	(State)	(Zip)

JURISDICTIONS IN WHICH ADMITTED TO PRACTICE:

JURISDICTION	ADMISSION DATE	ATTORNEY REGISTRA- TION NUMBER
<u>2nd Dept.</u>	<u>09/18/85</u>	<u>2019222</u>

DATE OF BIRTH 9/16/60
mm/dd/yy

INTERNATIONAL STANDARD LAWYER NUMBER (ISLN) N/A

OTHER NAME(S) _____


MOTHER'S BIRTH NAME UNKNOWN

SOCIAL SECURITY # UNKNOWN **GENDER** F M X

JURISDICTION IMPOSING REGULATORY ACTION Supreme Court, Appellate
Division, Second Judicial Department, 45 Monroe Place, Bklyn, NY 11201

ORDER DATE DEC 29, 1997 **EFFECTIVE DATE** JAN 29, 1998
mm/dd/yy mm/dd/yy

**ORDER OR
DOCKET NUMBER(S)** 97-00663


Authorized Reporting Agent Signature **Martin H. Brownstein, Clerk of this Court.**

Reporting Agent: Please refer to Instruction Sheet.

DISBARMENT

_____ D105 DISBARMENT
_____ D110 DISBARMENT ON CONSENT

_____ D115 PERMANENT DISBARMENT
_____ D120 RECIPROCAL DISBARMENT

RESIGNATION

_____ D210 CHARGES PENDING
_____ D215 PERMANENT RESIGNATION

_____ D250 RECIPROCAL RESIGNATION

TRANSFER RE INACTIVE STATUS

_____ D310 TO INACTIVE STATUS/
NO CHARGES PENDING
_____ D320 TRANSFER/CHARGES PENDING

_____ D350 FROM INACTIVE STATUS
_____ D360 RECIPROCAL TRANSFER

SUSPENSION

___XX___ D405 DEFINITE SUSPENSION
_____ D410 INDEFINITE SUSPENSION
_____ D415 INTERIM SUSPENSION
_____ D420 SUSPENSION ON CONSENT
_____ D435 RECIPROCAL SUSPENSION

yy/mm/dd

PROBATION

_____ D525 PROBATION
_____ D526 RECIPROCAL PROBATION
_____ D527 EXTENSION OF PROBATION
_____ D528 PROBATION ON CONSENT
_____ D529 REVOCATION OF PROBATION

yy/mm/dd

REPRIMAND/CENSURE

_____ D530 PUBLIC REPRIMAND/PUBLIC CENSURE
_____ D531 RECIPROCAL REPRIMAND/CENSURE

_____ D532 CONSENT REPRIMAND/CENSURE

OTHER DISPOSITIONS

_____ D505 RESTITUTION
_____ D510 COSTS
_____ D515 FINES
_____ D520 LIMITATIONS ON PRACTICE

\$ _____
\$ _____
\$ _____

_____ D535 PROFESSIONAL RESPONSIBILITY EXAM
_____ D536 BAR EXAM
_____ D540 OTHER CONDITIONS/DISPOSITIONS

_____ D545 PRO BONO
_____ D548 LAW PRACTICE MANAGEMENT PROGRAM
_____ D550 COMMUNITY SERVICE
_____ D555 CONTINUING LEGAL EDUCATION

HRS: _____
HRS: _____
HRS: _____

_____ D558 ETHICS SCHOOL
_____ D561 FEE ARBITRATION
_____ D562 MONITOR TRUST ACCOUNTS
_____ D565 REHABILITATION PROGRAM
_____ D570 ALCOHOL/SUBSTANCE ABUSE
_____ D573 LAWYERS ASSISTANCE PROGRAM
_____ D575 CONTEMPT
_____ D580 ORDER STAYED
_____ D585 ORDER VACATED
_____ D590 ORDER MODIFIED

REINSTATEMENT/READMISSION

_____ D605 REINSTATE/READMIT BY COURT ORDER
_____ D610 AUTOMATIC REINSTATEMENT
_____ D700 RESPONDENT DECEASED

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

0201D
Y/jv

_____ AD2d _____

GUY JAMES MANGANO, P.J.
ALBERT M. ROSENBLATT
SONDRA MILLER
CORNELIUS J. O'BRIEN
DAVID S. RITTER, JJ.

MISC. 98 041

SIFTON, CH. J.

97-00663

In the Matter of Gregory Elefterakis,
an attorney and counselor-at-law.

OPINION & ORDER.

Grievance Committee for the Second
and Eleventh Judicial Districts,
petitioner;
Gregory Elefterakis, respondent.

DISCIPLINARY proceeding instituted by the Grievance Committee for the Second and Eleventh Judicial Districts. The respondent was admitted to the Bar on September 18, 1985, at a term of the Appellate Division of the Supreme Court in the Second Judicial Department. By order of this court dated March 19, 1997, the Grievance Committee was authorized to institute and prosecute a disciplinary proceeding against the respondent and the issues raised were referred to the Honorable Moses M. Weinstein, as Special Referee to hear and report.

Robert H. Straus, Brooklyn, N.Y. (Diana J. Szochet of counsel), for petitioner.

LaRossa, Mitchell & Ross, New York, N.Y. (Michael S. Ross of counsel), for respondent.

PER CURIAM.

The petition, dated April 16, 1997, contains 11 charges of professional misconduct against the respondent. After hearings on June 4 and June 24, 1997, the Special Referee sustained all 11 charges. The Grievance Committee now moves to confirm the Special Referee's report. The respondent cross-moves to confirm the Special Referee's report and to limit his sanction to a public censure.

December 29, 1997

MATTER OF ELEFTERAKIS, GREGORY

Page 1.

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Charge One alleged that the respondent converted funds entrusted to him as a fiduciary, in violation of Code of Professional Responsibility DR 9-102(B) (22 NYCRR 1200.46[b]).

The respondent disbursed funds to clients and to himself prior to depositing the proceeds of the clients' cases into his attorney escrow account.

As a result of such disbursements, the funds of other clients, which were required to be maintained intact, were improperly depleted.

Charge Two alleged that the respondent failed to safeguard funds entrusted to him as a fiduciary, in violation of Code of Professional Responsibility DR 9-102(B) (22 NYCRR 1200.46[b]).

The respondent maintained a separate Citibank account for the purpose of paying expenses associated with his practice of law. Between July 1994 and September 1995, the respondent deposited into that account client funds which had been entrusted to him as a fiduciary.

Charge Three alleged that the respondent commingled personal funds with moneys entrusted to him as a fiduciary incident to his practice of law, in violation of Code of Professional Responsibility DR 9-102(A) (22 NYCRR 1200.46[a]).

In addition to the funds entrusted to him as fiduciary and while those funds were on deposit, the respondent improperly deposited personal funds into his attorney escrow account.

Charge Four alleged that the respondent commingled personal funds with moneys entrusted to him as a fiduciary, incident to his practice of law, in violation of Code of Professional Responsibility DR 9-102(A) (22 NYCRR 1200.46[a]).

The respondent failed to withdraw his fees or disbursements or both from his attorney escrow account after they had been earned.

Charge Five alleged that the respondent commingled personal funds with moneys entrusted to him as a fiduciary, incident to his practice of law, in violation of Code of Professional Responsibility DR 9-102(A) (22 NYCRR 1200.46[a]).

Between July 1994 and September 1995, the respondent deposited client funds which had been entrusted to him, incident to his practice of law, into the non-escrow account which he maintained for the sole purpose of paying expenses associated with his practice of law.

Charge Six alleged that the respondent failed to maintain required bookkeeping records for his attorney escrow account, in violation of Code of Professional Responsibility DR 9-102(D) (22 NYCRR 1200.46[d]).

Between January 1994 and January 1996, while the respondent was maintaining an attorney escrow account, he failed to maintain a ledger book or similar record detailing all deposits and withdrawals pertaining to that account.

Charge Seven alleged that the respondent has engaged in a pattern and practice of failing to properly maintain in his attorney escrow account funds entrusted to him as a fiduciary, incident to his practice of law, in violation of Code of Professional Responsibility DR 9-102(B) (22 NYCRR 1200.46[b]).

Between January 1994 and January 1996, the balances on deposit in the respondent's escrow account, into which he deposited and was required to maintain funds entrusted to him as fiduciary, incident to his practice of law, were depleted on numerous occasions.

Charge Eight alleged that the respondent improperly issued checks payable to "cash" from his attorney escrow account, in violation of Code of Professional Responsibility DR 9-102(E) (22 NYCRR 1200.46[e]).

On December 29, 1995, the respondent issued check number 1973 from his attorney escrow account payable to cash. On January 9, 1996, the respondent issued check number 1974 from his attorney escrow account payable to cash.

Charge Nine alleged that the respondent engaged in a pattern of failing to file retainer and closing statements with the Office of Court Administration (hereinafter the OCA) in a timely manner, in violation of 22 NYCRR 691.20(a) and (b).

Between January 1994 and January 1996, the respondent was retained to prosecute several actions for personal injury and property damage. He failed to file retainer and closing statements with the OCA with respect to those matters.

Charge 10 alleged that the respondent engaged in a pattern of improperly disbursing settlement proceeds to himself, in violation of 22 NYCRR 691.20(d).

Between January 1994 and January 1996, the respondent represented several clients in personal injury actions. When the cases were concluded, the respondent issued checks drawn on his attorney escrow account, which were payable to himself and which, represented legal fees, before disbursing to the clients the proceeds to which they were entitled.

Charge 11 alleged that the respondent filed a false affirmation with the OCA, in violation of Code of Professional Responsibility DR 1-102(A)(4) (22 NYCRR 1200.3[a][4]).

As an attorney, the respondent was required to register with the OCA on a biennial basis, pursuant to Judiciary Law § 468-a. At the time of registration, the respondent was required to sign a statement affirming that he had read Code of Professional Responsibility DR 9-102 (22 NYCRR 1200.46) of the Lawyers' Code of Professional Responsibility and that he was in compliance therewith. The respondent signed and filed such an affirmation with OCA on or about June 8, 1994. In fact, the respondent was not familiar with that rule and his escrow records were not in compliance.

Based on the respondent's admissions and the evidence adduced, the Special Referee properly sustained all 11 charges, and therefore the motion and so much of the cross motion which was to confirm the Special Referee's report are granted.

In determining an appropriate measure of discipline to impose, we have considered the mitigating evidence offered by the respondent, including his efforts to overcome his alcoholism, the absence of any evidence of venality on his part, and the reforms undertaken with respect to his law office practice, including the placement of an attorney in exclusive charge of his escrow account. We note that the Grievance Committee issued the respondent an Admonition on December 17, 1992, for failing to timely commence a lawsuit within the Statute of Limitations period and for failing to timely communicate to his clients that he would not pursue their civil case.

Under the totality of circumstances, the respondent is suspended from the practice of law for three years.

MANGANO, P.J., ROSENBLATT, MILLER, O'BRIEN and RITTER, JJ., concur.

ORDERED that the petitioner's motion to confirm the report of the Special Referee is granted and the respondent's cross motion is granted only to the extent that the report of the Special Referee is confirmed; and it is further,

ORDERED that the respondent's cross motion is otherwise denied; and it is further,

ORDERED that the respondent, Gregory Elefterakis, is suspended from the practice of law for a period of three years, commencing January 29, 1998, and continuing until the further order of this court, with leave to the respondent to apply for reinstatement no sooner than six months prior to the expiration of the three-year period, upon furnishing satisfactory proof (a) that during the said period he refrained from practicing or attempting to practice law, (b) that he has fully complied with this order and with the terms and provisions of the written rules governing the conduct of disbarred, suspended and resigned attorneys (22 NYCRR 691.10), and (c) that he has otherwise properly conducted himself; and it is further,

ORDERED that pursuant to Judiciary Law § 90, during the period of suspension and until the further order of this court, the respondent, Gregory Elefterakis, shall desist and refrain (1) from practicing law in any form, either as principal or agent, clerk or employee of another, (2) from appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission or other public authority, (3) from giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) from holding himself out in any way as an attorney and counselor-at-law.

SUPREME COURT, STATE OF NEW YORK
APPELLATE DIVISION SECOND DEPT

I, MARTIN H. BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on DEC 9 1997 and that this copy is a correct transcription of said original.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on

ENTER:

MARTIN H. BROWNSTEIN

Martin H. Brownstein
Clerk

DEC 9 1997

December 29, 1997

MARTIN H. BROWNSTEIN, CLERK
GREGORY ELEFTERAKIS, GREGORY

2/m
1998 JUN 16 A 10: 38
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CLERK
-----X
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

MC-98-41 (CPS)

In the Matter of Gregory Elefterakis, Esq.,
an Attorney and Counselor-at-Law.

ORDER

Respondent.

-----X

An order having been issued by this court directing respondent to appear at a hearing and show cause why he should not be disciplined by this Court, and the Court having received the respondent's consent to reciprocal discipline, it is hereby

ORDERED pursuant to Local General Rule 1.5 of the Eastern District of New York that respondent be and hereby is suspended from the practice of law before this Court for three years, commencing January 29, 1998, and continuing until the further order of this Court, with leave to the respondent to apply for reinstatement no sooner than six months prior to the expiration of the said three year period.

The Clerk is directed to close the case and to mail a copy of the within to all parties.

SO ORDERED.

Dated : Brooklyn, New York
June 10, 1998

Charles P. Sifton, Chief Judge
and Chairman of the Committee on
Grievances

4

LAW OFFICES

LAROSSA, MITCHELL & ROSS

MAY 27 1998

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JAMES M. LAROSSA
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CLERK
U.S. DISTRICT COURT
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May 20, 1998

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Respectfully submitted,



Michael S. Ross

5

LAROSSA, MITCHELL & ROSS

Hon. Charles P. Sifton
May 20, 1998
Page 2

Encl.

cc: Clerk of the Court
Gregory Elefterakis

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In the Matter of Gregory Elefterakis,
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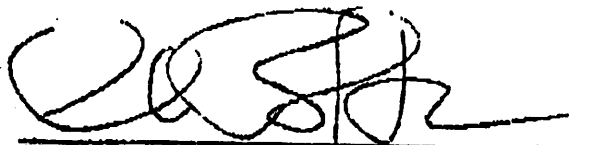
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